

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NOS. 1105, 1062, 1111, 1113, & 1119

AN ACT

2 To repeal sections 301.132, 301.190, 301.219,
 3 301.221, 301.681, 302.130, 302.171, 302.173,
 4 302.177, 302.181, 302.720, 302.735, 304.012,
 5 304.155, 306.458, 306.461, 307.100, 407.567,
 6 and 700.320, RSMo, and to enact in lieu
 7 thereof twenty-two new sections relating to
 8 motor vehicles, with penalty provisions.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
 10 AS FOLLOWS:

11 Section A. Sections 301.132, 301.190, 301.219, 301.221,
 12 301.681, 302.130, 302.171, 302.173, 302.177, 302.181, 302.720,
 13 302.735, 304.012, 304.155, 306.458, 306.461, 307.100, 407.567,
 14 and 700.320, RSMo, are repealed and twenty-two new sections
 15 enacted in lieu thereof, to be known as sections 301.132,
 16 301.190, 301.219, 301.221, 301.681, 302.130, 302.171, 302.173,
 17 302.177, 302.181, 302.720, 302.735, 304.012, 304.021, 304.155,
 18 306.458, 306.461, 307.100, 407.567, 700.320, 1, and 2, to read as
 19 follows:

20 301.132. 1. [Any motor vehicle manufactured in 1948 or
 21 before which is modified for safe road use, including but not
 22 limited to modifications to the drive train, suspension, brake

1 system, and any safety or comfort apparatus and which is not
2 owned solely as a collector's item and which is not used or
3 intended to be used solely for exhibition and educational
4 purposes only, may be specially registered as a "street rod" upon
5 payment of an annual fee equal to the fee charged for
6 personalized license plates in section 301.144 in addition to the
7 regular annual registration fees. Upon the transfer of the title
8 to any such vehicle the registration shall be canceled and the
9 license plates issued therefor shall be returned to the director
10 of revenue.

11 2. The owner of any such vehicle shall file an application
12 in a form prescribed by the director, verified by affidavit,
13 providing that such vehicle meets the requirements which shall be
14 issued by the director for classification as a "street rod", and
15 a certificate of registration shall be issued therefor.

16 3. The director shall issue to the owner of any motor
17 vehicle registered under this section two license plates
18 containing the number assigned to the registration certificate
19 issued by the director of revenue, and the following words:
20 "Street Rod", "State of Missouri". Such license plates shall be
21 kept securely attached to the motor vehicle registered hereunder.
22 The advisory committee established in section 301.129 shall
23 determine the characteristic features of such license plates for
24 vehicles registered under the provisions of this section so that
25 they may be recognized as such, except that such license plates

1 shall be made with fully reflective material with a common color
2 scheme and design, shall be clearly visible at night, and shall
3 be aesthetically attractive, as prescribed by section 301.130.

4 4. Motor vehicles registered under this section are subject
5 to the motor vehicle safety inspection requirements of sections
6 307.350 to 307.390, RSMo.] For purposes of this section, "street
7 rod" is a vehicle older than 1949 or a vehicle manufactured after
8 1948 to resemble a vehicle manufactured before 1949; and has been
9 altered from the manufacturer's original design or has a body
10 constructed from nonoriginal materials.

11 2. The model year and the year of manufacture that are
12 listed on the certificate of title of a street rod vehicle shall
13 be the model year and year of manufacture that the body of such
14 vehicle resembles. The current and all subsequent certificates
15 of ownership shall be designated with the word "REPLICA".

16 3. For each street rod, there shall be an annual fee equal
17 to the fee charged for personalized license plates in section
18 301.144 in addition to the regular annual registration fees.

19 4. In applying for registration of a street rod pursuant to
20 this section, the owner of the street rod shall submit with the
21 application a certification that the vehicle for which the
22 application is made:

23 (1) Will be maintained for occasional transportation,
24 exhibitions, club activities, parades, tours, and similar uses;

25 (2) Will not be used for general daily transportation.

1 5. In addition to the certification required pursuant to
2 subsection 4 of this section, when applying for registration of a
3 street rod, the new owner of the street rod shall provide proof
4 that the street rod passed a safety inspection in accordance with
5 section 307.350, RSMo, that shall be approved by the department
6 of public safety in consultation with the street rod community in
7 this state.

8 6. On registration of a vehicle pursuant to this section,
9 the director of the department of revenue shall issue to the
10 owner two license plates containing the number assigned to the
11 registration certificate issued by the director of revenue, and
12 the following words: "Street Rod", "State of Missouri". Such
13 license plates shall be kept securely attached to the motor
14 vehicle registered pursuant to this section. The director of
15 revenue shall determine the characteristic features of such
16 license plates for vehicles registered pursuant to the provisions
17 of this section so that they may be recognized as such, except
18 that such license plates shall be made with fully reflective
19 material with a common color scheme and design, shall be clearly
20 visible at night, and shall be aesthetically attractive, as
21 prescribed by section 301.130.

22 7. Unless the presence of the equipment was specifically
23 required by a statute of this state as a condition of sale in the
24 year listed as the year of manufacture on the certificate of
25 title, the presence of any specific equipment is not required for

1 the operation of a vehicle registered pursuant to this section.

2 8. Except as provided in subsection 5 of this section, a
3 vehicle registered pursuant to this section is exempt from any
4 statute of this state that requires periodic vehicle inspections
5 and from any statute of this state that requires the use and
6 inspection of emission controls.

7 9. A custom vehicle means any motor vehicle that:

8 (1) Is at least twenty-five years old and of a model year
9 after 1948, or was manufactured to resemble a vehicle twenty-five
10 years old or older and of a model year after 1948; and

11 (2) Has been altered from the manufacturer's original
12 design, or has an entire body constructed from nonoriginal
13 materials.

14 10. The model year and the year of manufacture that are
15 listed on the certificate of title of a custom vehicle shall be
16 the model year and year of manufacture that the body of such
17 vehicle resembles. The current and all subsequent certificates
18 of ownership shall be designated with the word "REPLICA".

19 11. For each custom vehicle, there shall be an annual fee
20 equal to the fee charged for personalized license plates in
21 section 301.144 in addition to the regular annual registration
22 fees.

23 12. In applying for registration of a custom vehicle
24 pursuant to this section, the owner of the custom vehicle shall
25 submit with the application a certification that the vehicle for

1 which the application is made:

2 (1) Will be maintained for occasional transportation,
3 exhibits, club activities, parades, tours, and similar uses; and

4 (2) Will not be used for general daily transportation.

5 13. In addition to the certification required pursuant to
6 subsection 12 of this section, when applying for registration of
7 a custom vehicle, the new owner of the custom vehicle shall
8 provide proof that the custom vehicle passed a safety inspection
9 in accordance with section 307.350, RSMo, that shall be approved
10 by the department of public safety in consultation with the
11 street rod community in this state.

12 14. On registration of a vehicle pursuant to this section,
13 the director of the department of revenue shall issue to the
14 owner two license plates containing the number assigned to the
15 registration certificate issued by the director of revenue, and
16 the following words: "Custom Vehicle", "State of Missouri".
17 Such license plates shall be kept securely attached to the motor
18 vehicle registered hereunder. The director of revenue shall
19 determine the characteristic features of such license plates for
20 vehicles registered pursuant to the provisions of this section so
21 that they may be recognized as such, except that such license
22 plates shall be made with fully reflective material with a common
23 color scheme and design, shall be clearly visible at night, and
24 shall be aesthetically attractive, as prescribed by section
25 301.130.

1 15. Unless the presence of the equipment was specifically
2 required by a statute of this state as a condition of sale in the
3 year listed as the year of manufacture on the certificate of
4 title, the presence of any specific equipment is not required for
5 the operation of a vehicle registered pursuant to this section.

6 16. Except as provided in subsection 12 of this section, a
7 vehicle registered pursuant to this section is exempt from any
8 statute of this state that requires periodic vehicle inspections
9 and from any statute of this state that requires the use and
10 inspection of emission controls.

11 17. For purposes of this section, "blue dot tail light" is
12 a red lamp installed in the rear of a motor vehicle containing a
13 blue or purple insert that is not more than one inch in diameter.

14 18. A street rod or custom vehicle may use blue dot tail
15 lights for stop lamps, rear turning indicator lamps, rear hazard
16 lamps, and rear reflectors.

17 301.190. 1. No certificate of registration of any motor
18 vehicle or trailer, or number plate therefor, shall be issued by
19 the director of revenue unless the applicant therefor shall make
20 application for and be granted a certificate of ownership of such
21 motor vehicle or trailer, or shall present satisfactory evidence
22 that such certificate has been previously issued to the applicant
23 for such motor vehicle or trailer. Application shall be made
24 within thirty days after the applicant acquires the motor vehicle
25 or trailer upon a blank form furnished by the director of revenue

1 and shall contain the applicant's identification number, a full
2 description of the motor vehicle or trailer, the vehicle
3 identification number, and the mileage registered on the odometer
4 at the time of transfer of ownership, as required by section
5 407.536, RSMo, together with a statement of the applicant's
6 source of title and of any liens or encumbrances on the motor
7 vehicle or trailer, provided that for good cause shown the
8 director of revenue may extend the period of time for making such
9 application.

10 2. The director of revenue shall use reasonable diligence
11 in ascertaining whether the facts stated in such application are
12 true and shall, to the extent possible without substantially
13 delaying processing of the application, review any odometer
14 information pertaining to such motor vehicle that is accessible
15 to the director of revenue. If satisfied that the applicant is
16 the lawful owner of such motor vehicle or trailer, or otherwise
17 entitled to have the same registered in his name, the director
18 shall thereupon issue an appropriate certificate over his
19 signature and sealed with the seal of his office, procured and
20 used for such purpose. The certificate shall contain on its face
21 a complete description, vehicle identification number, and other
22 evidence of identification of the motor vehicle or trailer, as
23 the director of revenue may deem necessary, together with the
24 odometer information required to be put on the face of the
25 certificate pursuant to section 407.536, RSMo, a statement of any

1 liens or encumbrances which the application may show to be
2 thereon, and, if ownership of the vehicle has been transferred,
3 the name of the state issuing the transferor's title and whether
4 the transferor's odometer mileage statement executed pursuant to
5 section 407.536, RSMo, indicated that the true mileage is
6 materially different from the number of miles shown on the
7 odometer, or is unknown.

8 3. The director of revenue shall appropriately designate on
9 the current and all subsequent issues of the certificate the
10 words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
11 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor
12 Vehicle", as defined in section 301.010. Effective July 1, 1990,
13 on all original and all subsequent issues of the certificate for
14 motor vehicles as referenced in subsections 2 and 3 of section
15 301.020, the director shall print on the face thereof the
16 following designation: "Annual odometer updates may be available
17 from the department of revenue.". On any duplicate certificate,
18 the director of revenue shall reprint on the face thereof the
19 most recent of either:

20 (1) The mileage information included on the face of the
21 immediately prior certificate and the date of purchase or
22 issuance of the immediately prior certificate; or

23 (2) Any other mileage information provided to the director
24 of revenue, and the date the director obtained or recorded that
25 information.

1 4. The certificate of ownership issued by the director of
2 revenue shall be manufactured in a manner to prohibit as nearly
3 as possible the ability to alter, counterfeit, duplicate, or
4 forge such certificate without ready detection. In order to
5 carry out the requirements of this subsection, the director of
6 revenue may contract with a nonprofit scientific or educational
7 institution specializing in the analysis of secure documents to
8 determine the most effective methods of rendering Missouri
9 certificates of ownership nonalterable or noncounterfeitable.

10 5. The fee for each original certificate so issued shall be
11 eight dollars and fifty cents, in addition to the fee for
12 registration of such motor vehicle or trailer. If application
13 for the certificate is not made within thirty days after the
14 vehicle is acquired by the applicant, a delinquency penalty fee
15 of twenty-five dollars for the first thirty days of delinquency
16 and twenty-five dollars for each thirty days of delinquency
17 thereafter, not to exceed a total of one hundred dollars before
18 November 1, 2003, and not to exceed a total of two hundred
19 dollars on or after November 1, 2003, shall be imposed, but such
20 penalty may be waived by the director for a good cause shown. If
21 the director of revenue learns that any person has failed to
22 obtain a certificate within thirty days after acquiring a motor
23 vehicle or trailer or has sold a vehicle without obtaining a
24 certificate, he shall cancel the registration of all vehicles
25 registered in the name of the person, either as sole owner or as

1 a co-owner, and shall notify the person that the cancellation
2 will remain in force until the person pays the delinquency
3 penalty fee provided in this section, together with all fees,
4 charges and payments which he should have paid in connection with
5 the certificate of ownership and registration of the vehicle.
6 The certificate shall be good for the life of the motor vehicle
7 or trailer so long as the same is owned or held by the original
8 holder of the certificate and shall not have to be renewed
9 annually.

10 6. Any applicant for a certificate of ownership requesting
11 the department of revenue to process an application for a
12 certificate of ownership in an expeditious manner requiring
13 special handling shall pay a fee of five dollars in addition to
14 the regular certificate of ownership fee.

15 7. It is unlawful for any person to operate in this state a
16 motor vehicle or trailer required to be registered under the
17 provisions of the law unless a certificate of ownership has been
18 issued as herein provided.

19 8. Before an original Missouri certificate of ownership is
20 issued, if a salvage certificate of title has been issued for the
21 same vehicle but no prior inspection and verification has been
22 made in this state, an inspection of the vehicle and a
23 verification of vehicle identification numbers shall be made by
24 the Missouri state highway patrol [on vehicles for which there is
25 a current title issued by another state if a Missouri salvage

1 certificate of title has been issued for the same vehicle but no
2 prior inspection and verification has been made in this state],
3 except that if such vehicle has been inspected in another state
4 by a law enforcement officer in a manner comparable to the
5 inspection process in this state and the vehicle identification
6 numbers have been so verified, the applicant shall not be liable
7 for the twenty-five dollar inspection fee if such applicant
8 submits proof of inspection and vehicle identification number
9 verification to the director of revenue at the time of the
10 application. The applicant, who has such a title for a vehicle
11 on which no prior inspection and verification have been made,
12 shall pay a fee of twenty-five dollars for such verification and
13 inspection, payable to the director of revenue at the time of the
14 request for the application, which shall be deposited in the
15 state treasury to the credit of the state highway fund.

16 9. Each application for an original Missouri certificate of
17 ownership for a vehicle which is classified as a reconstructed
18 motor vehicle, specially constructed motor vehicle, kit vehicle,
19 motor change vehicle, non-USA-std motor vehicle, or other vehicle
20 as required by the director of revenue, shall be accompanied by a
21 vehicle examination certificate issued by the Missouri state
22 highway patrol, or other law enforcement agency as authorized by
23 the director of revenue. The vehicle examination shall include a
24 verification of vehicle identification numbers and a
25 determination of the classification of the vehicle. The owner of

1 a vehicle which requires a vehicle examination certificate shall
2 present the vehicle for examination and obtain a completed
3 vehicle examination certificate prior to submitting an
4 application for a certificate of ownership to the director of
5 revenue. The fee for the vehicle examination application shall
6 be twenty-five dollars and shall be collected by the director of
7 revenue at the time of the request for the application and shall
8 be deposited in the state treasury to the credit of the state
9 highway fund.

10 10. When an application is made for an original Missouri
11 certificate of ownership for a motor vehicle previously
12 registered or titled in a state other than Missouri, it shall be
13 accompanied by a current inspection form certified by a duly
14 authorized official inspection station as described in chapter
15 307, RSMo. The completed form shall certify that the
16 manufacturer's identification number for the vehicle has been
17 inspected, that it is correctly displayed on the vehicle and
18 shall certify the reading shown on the odometer at the time of
19 inspection. The inspection station shall collect the same fee as
20 authorized in section 307.365, RSMo, for making the inspection,
21 and the fee shall be deposited in the same manner as provided in
22 section 307.365, RSMo. If the vehicle is also to be registered
23 in Missouri, the safety and emissions inspections required in
24 chapter 307, RSMo, shall be completed and only the fees required
25 by sections 307.365 and 307.366, RSMo, shall be charged to the

1 owner. This section shall not apply to vehicles being
2 transferred on a manufacturer's statement of origin.

3 11. Motor vehicles brought into this state in a wrecked or
4 damaged condition or after being towed as an abandoned vehicle
5 pursuant to another state's abandoned motor vehicle procedures
6 shall, in lieu of the inspection required by subsection 10 of
7 this section, be inspected by the Missouri state highway patrol
8 in accordance with subsection 9 of this section. If the
9 inspection reveals the vehicle to be in a salvage or junk
10 condition, the director shall so indicate on any Missouri
11 certificate of ownership issued for such vehicle. Any salvage
12 designation shall be carried forward on all subsequently issued
13 certificates of title for the motor vehicle.

14 12. When an application is made for an original Missouri
15 certificate of ownership for a motor vehicle previously
16 registered or titled in a state other than Missouri, and the
17 certificate of ownership has been appropriately designated by the
18 issuing state as reconstructed motor vehicle, motor change
19 vehicle, specially constructed motor vehicle, the director of
20 revenue shall appropriately designate on the current Missouri and
21 all subsequent issues of the certificate of ownership the name of
22 the issuing state and such prior designation.

23 13. When an application is made for an original Missouri
24 certificate of ownership for a motor vehicle previously
25 registered or titled in a state other than Missouri, and the

1 certificate of ownership has been appropriately designated by the
2 issuing state as non-USA-std motor vehicle, the director of
3 revenue shall appropriately designate on the current Missouri and
4 all subsequent issues of the certificate of ownership the words
5 "Non-USA-Std Motor Vehicle".

6 14. The director of revenue and the superintendent of the
7 Missouri state highway patrol shall make and enforce rules for
8 the administration of the inspections required by this section.

9 301.219. Application for a license shall be submitted [by
10 July first of each year] biennially and shall be made on the form
11 the department prescribes, containing the name of the applicant,
12 the address where business is to be conducted, the kind of
13 business, enumerated in section 301.218 to be conducted, the
14 residence address of the applicant if an individual, the names
15 and residence addresses of the partners of the applicant if a
16 partnership, the names and residence addresses of the principal
17 officers of the applicant and the state of its incorporation, if
18 a corporation. The application shall be verified by the oath or
19 affirmation of the applicant, if the applicant is a partnership
20 or a corporation, by a partner or officer of the applicant and
21 shall be accompanied by a fee of [sixty-five] one hundred thirty-
22 two dollars every [year] two years for each kind of business
23 required to be licensed under subdivision (1), (2), (3), or (4)
24 of subsection 1 of section 301.218. If the applicant conducts
25 business at different locations, a separate application, license

1 and ~~[sixty-five]~~ one hundred thirty-two dollar ~~[annual]~~ fee shall
2 be required for each location. The director may stagger the
3 expiration dates to equalize the workload.

4 301.221. 1. The department shall file each application
5 received by it with the required fee, and when satisfied that the
6 applicant, if an individual, or each of the partners or principal
7 officers of the applicant, if a partnership or a corporation, is
8 of good moral character and that the applicant, so far as can be
9 ascertained, has complied and will comply with the provisions of
10 sections 301.217 to 301.229 and the laws of this state relating
11 to registration of and certificates of title of vehicles, shall
12 issue to the applicant a license to carry on and conduct the kind
13 of businesses, enumerated in section 301.218, specified in the
14 application at the address therein specified, until ~~[July first~~
15 ~~next following the date on which]~~ the next license ~~[is issued]~~
16 renewal date.

17 2. When the application is being made for licensure as a
18 salvage dealer, a certification may be performed by a uniformed
19 member of the Missouri state highway patrol stationed in the
20 troop area in which the applicant's place of business is located;
21 except that, in counties of the first classification,
22 certification may be performed by an officer of a metropolitan
23 police department when the applicant's established place of
24 business of salvage is in the metropolitan area where the
25 certifying metropolitan police officer is employed. An applicant

1 shall have a bona fide established place of business which shall
2 include a permanent enclosed building or structure, either owned
3 in fee or leased and actually occupied as a place of business by
4 the applicant for:

5 (1) Selling used parts of or used accessories for vehicles;
6 or

7 (2) Salvaging, wrecking or dismantling vehicles for resale
8 of the parts thereof; or

9 (3) Rebuilding and repairing wrecked or dismantled
10 vehicles; or

11 (4) Processing scrapped vehicles or vehicle parts.

12 3. The applicant's place of business shall be a place
13 wherein the public may contact the owner or operator, in person
14 or by telephone, at any reasonable time, and wherein shall be
15 kept and maintained the books, records, files, tools, equipment
16 and other matters required and necessary to conduct the business.

17 4. The application shall include a photograph, not to
18 exceed eight inches by ten inches, showing the building and
19 business premises and shall accompany the initial application but
20 will not be required for subsequent renewals unless substantial
21 changes have been made to the building or business premises.

22 301.681. 1. A sole owner of a motor vehicle or trailer,
23 and multiple owners of a motor vehicle or trailer who hold their
24 interest as joint tenants with right of survivorship or as
25 tenants by the entirety, on application and payment of the fee

1 required for an original certificate of ownership, may request
2 the director of revenue to issue a certificate of ownership for
3 the motor vehicle or trailer in beneficiary form which includes a
4 directive to the director of revenue to transfer the certificate
5 of ownership on death of the sole owner or on death of all
6 multiple owners to one beneficiary or to two or more
7 beneficiaries as joint tenants with right of survivorship or as
8 tenants by the entirety named on the face of the certificate.
9 The directive to the director of revenue shall also permit the
10 beneficiary or beneficiaries to make one reassignment of the
11 original certificate of ownership upon the death of the owner to
12 another owner without transferring the certificate to the
13 beneficiary or beneficiaries' name.

14 2. A certificate of ownership in beneficiary form may not
15 be issued to persons who hold their interest in a motor vehicle
16 or trailer as tenants in common.

17 3. A certificate of ownership issued in beneficiary form
18 shall include after the name of the owner, or after the names of
19 multiple owners, the words "transfer on death to" or the
20 abbreviation "TOD" followed by the name of the beneficiary or
21 beneficiaries.

22 4. (1) During the lifetime of a sole owner and during the
23 lifetime of all multiple owners, the signature or consent of the
24 beneficiary or beneficiaries shall not be required for any
25 transaction relating to the motor vehicle or trailer for which a

1 certificate of ownership in beneficiary form has been issued.

2 (2) A certificate of ownership in beneficiary form may be
3 revoked or the beneficiary or beneficiaries changed at any time
4 before the death of a sole owner or surviving multiple owner only
5 by the following methods:

6 (a) By a sale of the motor vehicle or trailer with proper
7 assignment and delivery of the certificate of ownership to
8 another person; or

9 (b) By filing an application to reissue the certificate of
10 ownership with no designation of a beneficiary or with the
11 designation of a different beneficiary or beneficiaries with the
12 director of revenue in proper form and accompanied by the payment
13 of the fee for an original certificate of ownership.

14 (3) The beneficiary's or beneficiaries' interest in the
15 motor vehicle or trailer at death of the owner or surviving owner
16 shall be subject to any contract of sale, assignment of ownership
17 or security interest to which the owner or owners of the motor
18 vehicle or trailer were subject during their lifetime.

19 (4) The designation of a beneficiary or beneficiaries in a
20 certificate of ownership issued in beneficiary form may not be
21 changed or revoked by a will, any other instrument, or a change
22 in circumstances, or otherwise be changed or revoked except as
23 provided by subdivision (2) of this subsection.

24 5. (1) On proof of death of one of the owners of two or
25 more multiple owners, or of a sole owner, surrender of the

1 outstanding certificate of ownership, and on application and
2 payment of the fee for an original certificate of ownership, the
3 director of revenue shall issue a new certificate of ownership
4 for the motor vehicle or trailer to the surviving owner or owners
5 or, if none, to the surviving beneficiary or beneficiaries,
6 subject to any outstanding security interest; and the current
7 valid certificate of number shall be so transferred. If the
8 surviving beneficiary or beneficiaries make a request of the
9 director of revenue, the director may allow the beneficiary or
10 beneficiaries to make one assignment of title.

11 (2) The director of revenue may rely on a death certificate
12 or record or report that constitutes prima facie proof or
13 evidence of death under subdivisions (1) and (2) of section
14 472.290, RSMo.

15 (3) The transfer of a motor vehicle or trailer at death
16 pursuant to this section is effective by reason of sections
17 301.675 to 301.682 and sections 306.455 to 306.465, RSMo, and is
18 not to be considered as testamentary, or to be subject to the
19 requirements of section 473.087, RSMo, or section 474.320, RSMo.

20 302.130. 1. Any person at least fifteen years of age who,
21 except for age or lack of instruction in operating a motor
22 vehicle, would otherwise be qualified to obtain a license
23 pursuant to sections 302.010 to 302.340 may apply for and the
24 director shall issue a temporary instruction permit entitling the
25 applicant, while having such permit in the applicant's immediate

1 possession, to drive a motor vehicle of the appropriate class
2 upon the highways for a period of twelve months, but any such
3 person, except when operating a motorcycle or motortricycle, must
4 be accompanied by a licensed operator for the type of motor
5 vehicle being operated who is actually occupying a seat beside
6 the driver for the purpose of giving instruction in driving the
7 motor vehicle, who is at least twenty-one years of age, and in
8 the case of any driver under sixteen years of age, the licensed
9 operator occupying the seat beside the driver shall be a
10 grandparent, parent, guardian, a driver training instructor
11 holding a valid driver education endorsement on a teaching
12 certificate issued by the department of elementary and secondary
13 education or a qualified instructor of a private drivers'
14 education program who has a valid driver's license. Beginning
15 January 1, 2001, an applicant for a temporary instruction permit
16 shall successfully complete a vision test and a test of the
17 applicant's ability to understand highway signs which regulate,
18 warn or direct traffic and practical knowledge of the traffic
19 laws of this state, pursuant to section 302.173. In addition,
20 beginning January 1, 2001, no permit shall be granted pursuant to
21 this subsection unless a parent or legal guardian gives written
22 permission by signing the application and in so signing, state
23 they, or their designee as set forth in subsection 2 of this
24 section, will provide a minimum of twenty hours of
25 behind-the-wheel driving instruction. The twenty hours of

1 behind-the-wheel driving instruction that is completed pursuant
2 to this subsection may include any time that the holder of an
3 instruction permit has spent operating a motor vehicle in a
4 driver training program taught by a driver training instructor
5 holding a valid driver education endorsement on a teaching
6 certificate issued by the department of elementary and secondary
7 education or by a qualified instructor of a private drivers'
8 education program. If the applicant for a permit is enrolled in
9 a federal residential job training program, the instructor, as
10 defined in subsection 5 of this section, is authorized to sign
11 the application stating that the applicant will receive the
12 behind-the-wheel driving instruction required by this section.

13 2. In the event the parent, grandparent or guardian of the
14 person under sixteen years of age has a physical disability which
15 prohibits or disqualifies said parent, grandparent or guardian
16 from being a qualified licensed operator pursuant to this
17 section, said parent, grandparent or guardian may designate a
18 maximum of two individuals authorized to accompany the applicant
19 for the purpose of giving instruction in driving the motor
20 vehicle. An authorized designee must be a licensed operator for
21 the type of motor vehicle being operated and have attained
22 twenty-one years of age. At least one of the designees must
23 occupy the seat beside the applicant while giving instruction in
24 driving the motor vehicle. The name of the authorized designees
25 must be provided to the department of revenue by the parent,

1 grandparent or guardian at the time of application for the
2 temporary instruction permit. The name of each authorized
3 designee shall be printed on the temporary instruction permit,
4 however, the director may delay the time at which permits are
5 printed bearing such names until the inventories of blank permits
6 and related forms existing on August 28, 1998, are exhausted.

7 3. The director, upon proper application on a form
8 prescribed by the director, in his or her discretion, may issue a
9 restricted instruction permit effective for a school year or more
10 restricted period to an applicant who is enrolled in a high
11 school driver training program taught by a driver training
12 instructor holding a valid driver education endorsement on a
13 teaching certificate issued by the state department of elementary
14 and secondary education even though the applicant has not reached
15 the age of sixteen years but has passed the age of fifteen years.
16 Such instruction permit shall entitle the applicant, when the
17 applicant has such permit in his or her immediate possession, to
18 operate a motor vehicle on the highways, but only when a driver
19 training instructor holding a valid driver education endorsement
20 on a teaching certificate issued by the state department of
21 elementary and secondary education is occupying a seat beside the
22 driver.

23 4. The director, in his or her discretion, may issue a
24 temporary driver's permit to an applicant who is otherwise
25 qualified for a license permitting the applicant to operate a

1 motor vehicle while the director is completing the director's
2 investigation and determination of all facts relative to such
3 applicant's rights to receive a license. Such permit must be in
4 the applicant's immediate possession while operating a motor
5 vehicle, and it shall be invalid when the applicant's license has
6 been issued or for good cause has been refused.

7 5. In the event that the applicant for a temporary
8 instruction permit described in subsection 1 of this section is a
9 participant in a federal residential job training program, the
10 permittee may operate a motor vehicle accompanied by a driver
11 training instructor who holds a valid driver education
12 endorsement issued by the department of elementary and secondary
13 education and a valid driver's license.

14 6. A person at least fifteen years of age may operate a
15 motor vehicle as part of a driver training program taught by a
16 driver training instructor holding a valid driver education
17 endorsement on a teaching certificate issued by the department of
18 elementary and secondary education or a qualified instructor of a
19 private drivers' education program.

20 7. Beginning January 1, 2003, the director shall issue with
21 every temporary instruction permit issued pursuant to subsection
22 1 of this section a sticker or sign bearing the words "PERMIT
23 DRIVER". The design and size of such sticker or sign shall be
24 determined by the director by regulation. Every applicant issued
25 a temporary instruction permit and sticker on or after January 1,

1 2003, may display or affix the sticker or sign on the rear window
2 of the motor vehicle. Such sticker or sign may be displayed on
3 the rear window of the motor vehicle whenever the holder of the
4 instruction permit operates a motor vehicle during his or her
5 temporary permit licensure period.

6 8. The director shall verify that an applicant for an
7 instruction permit issued under this section is lawfully present
8 in the United States before accepting the application. The
9 director shall not issue an instruction permit for a period that
10 exceeds an applicant's lawful presence in the United States. The
11 director may establish procedures to verify the lawful presence
12 of the applicant and establish the duration of any permit issued
13 under this section.

14 9. The director may adopt rules and regulations necessary
15 to carry out the provisions of this section.

16 302.171. 1. The director shall verify that an applicant
17 for a driver's license is lawfully present in the United States
18 before accepting the application. The director shall not issue a
19 driver's license for a period that exceeds an applicant's lawful
20 presence in the United States. The director may establish
21 procedures to verify the lawful presence of the applicant and
22 establish the duration of any driver's license issued under this
23 section. An application for a license shall be made upon an
24 approved form furnished by the director. Every application shall
25 state the full name, Social Security number, age, height, weight,

1 color of eyes, sex, residence, mailing address of the applicant,
2 and the classification for which the applicant has been licensed,
3 and, if so, when and by what state, and whether or not such
4 license has ever been suspended, revoked, or disqualified, and,
5 if revoked, suspended or disqualified, the date and reason for
6 such suspension, revocation or disqualification and whether the
7 applicant is making a one dollar donation to promote an organ
8 donation program as prescribed in subsection 2 of this section.
9 A driver's license, nondriver's license, or instruction permit
10 issued under this chapter shall contain the applicant's legal
11 name as it appears on a birth certificate or as legally changed
12 through marriage or court order. No name change by common usage
13 based on common law shall be permitted. The application shall
14 also contain such information as the director may require to
15 enable the director to determine the applicant's qualification
16 for driving a motor vehicle; and shall state whether or not the
17 applicant has been convicted in this or any other state for
18 violating the laws of this or any other state or any ordinance of
19 any municipality, relating to driving without a license, careless
20 driving, or driving while intoxicated, or failing to stop after
21 an accident and disclosing the applicant's identity, or driving a
22 motor vehicle without the owner's consent. The application shall
23 contain a certification by the applicant as to the truth of the
24 facts stated therein. Every person who applies for a license to
25 operate a motor vehicle who is less than twenty-one years of age

1 shall be provided with educational materials relating to the
2 hazards of driving while intoxicated, including information on
3 penalties imposed by law for violation of the
4 intoxication-related offenses of the state. Beginning January 1,
5 2001, if the applicant is less than eighteen years of age, the
6 applicant must comply with all requirements for the issuance of
7 an intermediate driver's license pursuant to section 302.178.

8 2. An applicant for a license may make a donation of one
9 dollar to promote an organ donor program. The director of
10 revenue shall collect the donations and deposit all such
11 donations in the state treasury to the credit of the organ donor
12 program fund established in sections 194.297 to 194.304, RSMo.
13 Moneys in the organ donor program fund shall be used solely for
14 the purposes established in sections 194.297 to 194.304, RSMo,
15 except that the department of revenue shall retain no more than
16 one percent for its administrative costs. The donation
17 prescribed in this subsection is voluntary and may be refused by
18 the applicant for the license at the time of issuance or renewal
19 of the license. The director shall make available an
20 informational booklet or other informational sources on the
21 importance of organ donations to applicants for licensure as
22 designed by the organ donation advisory committee established in
23 sections 194.297 to 194.304, RSMo. The director shall inquire of
24 each applicant at the time the licensee presents the completed
25 application to the director whether the applicant is interested

1 in making the one dollar donation prescribed in this subsection
2 and whether the applicant is interested in inclusion in the organ
3 donor registry and shall also specifically inform the licensee of
4 the ability to consent to organ donation by completing the form
5 on the reverse of the license that the applicant will receive in
6 the manner prescribed by subsection 6 of section 194.240, RSMo.
7 The director shall notify the department of health and senior
8 services of information obtained from applicants who indicate to
9 the director that they are interested in registry participation,
10 and the department of health and senior services shall enter the
11 complete name, address, date of birth, race, gender and a unique
12 personal identifier in the registry established in subsection 1
13 of section 194.304, RSMo.

14 3. An applicant for a license may make a donation of one
15 dollar to promote a blindness education, screening and treatment
16 program. The director of revenue shall collect the donations and
17 deposit all such donations in the state treasury to the credit of
18 the blindness education, screening and treatment program fund
19 established in section 192.935, RSMo. Moneys in the blindness
20 education, screening and treatment program fund shall be used
21 solely for the purposes established in section 192.935, RSMo,
22 except that the department of revenue shall retain no more than
23 one percent for its administrative costs. The donation
24 prescribed in this subsection is voluntary and may be refused by
25 the applicant for the license at the time of issuance or renewal

1 of the license. The director shall inquire of each applicant at
2 the time the licensee presents the completed application to the
3 director whether the applicant is interested in making the one
4 dollar donation prescribed in this subsection.

5 4. The director shall deny the driving privilege of any
6 person who commits fraud or deception during the examination
7 process or who makes application for an instruction permit,
8 driver's license, or nondriver's license which contains or is
9 substantiated with false or fraudulent information or
10 documentation, or who knowingly conceals a material fact or
11 otherwise commits a fraud in any such application. The period of
12 denial shall be one year from the effective date of the denial
13 notice sent by the director. The denial shall become effective
14 ten days after the date the denial notice is mailed to the
15 person. The notice shall be mailed to the person at the last
16 known address shown on the person's driving record. The notice
17 shall be deemed received three days after mailing unless returned
18 by the postal authorities. No such individual shall reapply for
19 a driver's examination, instruction permit, driver's license, or
20 nondriver's license until the period of denial is completed. No
21 individual who is denied the driving privilege under this section
22 shall be eligible for a limited driving privilege issued under
23 section 302.309.

24 5. All appeals of denials under this section shall be made
25 as required by section 302.311.

1 6. The period of limitation for criminal prosecution under
2 this section shall be extended under subdivision (1) of
3 subsection 3 of section 556.036, RSMo.

4 7. The director may promulgate rules and regulations
5 necessary to administer and enforce this section. No rule or
6 portion of a rule promulgated pursuant to the authority of this
7 section shall become effective unless it has been promulgated
8 pursuant to chapter 536, RSMo.

9 302.173. 1. Any applicant for a license, who does not
10 possess a valid license issued pursuant to the laws of this
11 state, another state, or a country which has a reciprocal
12 agreement with the state of Missouri regarding the exchange of
13 licenses pursuant to section 302.172 shall be examined as herein
14 provided. Any person who has failed to renew such person's
15 license on or before the date of its expiration or within six
16 months thereafter must take the complete examination. Any active
17 member of the armed forces, their adult dependents or any active
18 member of the peace corps may apply for a renewal license without
19 examination of any kind, unless otherwise required by sections
20 302.700 to 302.780, provided the renewal application shows that
21 the previous license had not been suspended or revoked. Any
22 person honorably discharged from the armed forces of the United
23 States who held a valid license prior to being inducted may apply
24 for a renewal license within sixty days after such person's
25 honorable discharge without submitting to any examination of such

1 person's ability to safely operate a motor vehicle over the
2 highways of this state unless otherwise required by sections
3 302.700 to 302.780, other than the vision test provided in
4 section 302.175, unless the facts set out in the renewal
5 application or record of convictions on the expiring license, or
6 the records of the director show that there is good cause to
7 authorize the director to require the applicant to submit to the
8 complete examination. No applicant for a renewal license shall
9 be required to submit to any examination of his or her ability to
10 safely operate a motor vehicle over the highways of this state
11 unless otherwise required by sections 302.700 to 302.780 or
12 regulations promulgated thereunder, other than a test of the
13 applicant's ability to understand highway signs regulating,
14 warning or directing traffic and the vision test provided in
15 section 302.175, unless the facts set out in the renewal
16 application or record of convictions on the expiring license, or
17 the records of the director show that there is good cause to
18 authorize the director to require the applicant to submit to the
19 complete examination. The examination shall be made available in
20 each county. Reasonable notice of the time and place of the
21 examination shall be given the applicant by the person or officer
22 designated to conduct it. The complete examination shall include
23 a test of the applicant's natural or corrected vision as
24 prescribed in section 302.175, the applicant's ability to
25 understand highway signs regulating, warning or directing

1 traffic, the applicant's practical knowledge of the traffic laws
2 of this state, and an actual demonstration of ability to exercise
3 due care in the operation of a motor vehicle of the
4 classification for which the license is sought. When an
5 applicant for a license has a license from a state which has
6 requirements for issuance of a license comparable to the Missouri
7 requirements or a license from a country which has a reciprocal
8 agreement with the state of Missouri regarding the exchange of
9 licenses pursuant to section 302.172 and such license has not
10 expired more than six months prior to the date of application for
11 the Missouri license, the director may waive the test of the
12 applicant's practical knowledge of the traffic laws of this
13 state, and the requirement of actual demonstration of ability to
14 exercise due care in the operation of a motor vehicle. If the
15 director has reasonable grounds to believe that an applicant is
16 suffering from some known physical or mental ailment which
17 ordinarily would interfere with the applicant's fitness to
18 operate a motor vehicle safely upon the highways, the director
19 may require that the examination include a physical or mental
20 examination by a licensed physician of the applicant's choice, at
21 the applicant's expense, to determine the fact. The director
22 shall prescribe regulations to ensure uniformity in the
23 examinations and in the grading thereof and shall prescribe and
24 furnish all forms to the members of the highway patrol and to
25 other persons authorized to conduct examinations as may be

1 necessary to enable the officer or person to properly conduct the
2 examination. The records of the examination shall be forwarded
3 to the director who shall not issue any license hereunder if in
4 the director's opinion the applicant is not qualified to operate
5 a motor vehicle safely upon the highways of this state.

6 2. When the examiner has reasonable grounds to believe that
7 an individual has committed fraud or deception during the
8 examination process, the license examiner shall immediately
9 forward to the director all information relevant to any fraud or
10 deception, including but not limited to, a statement of the
11 examiner's grounds for belief that the person committed or
12 attempted to commit fraud or deception in the written, skills, or
13 vision examination.

14 3. The director of revenue shall delegate the power to
15 conduct the examinations required for a license or permit to any
16 member of the highway patrol or any person employed by the
17 highway patrol. The powers delegated to any examiner may be
18 revoked at any time by the director of revenue upon notice.

19 [3.] 4. Notwithstanding the requirements of subsections 1
20 and [2] 3 of this section, the successful completion of a
21 motorcycle rider training course approved pursuant to sections
22 302.133 to [302.138] 302.137 shall constitute an actual
23 demonstration of the person's ability to exercise due care in the
24 operation of a motorcycle or motortricycle, and no further
25 driving test shall be required to obtain a motorcycle or

1 motortricycle license or endorsement.

2 302.177. 1. To all applicants for a license or renewal to
3 transport persons or property classified in section 302.015 who
4 are at least twenty-one years of age and under the age of
5 seventy, and who submit a satisfactory application and meet the
6 requirements set forth in sections 302.010 to 302.605, the
7 director shall issue or renew a license upon the payment of a fee
8 of thirty dollars; except that, no license shall be issued if an
9 applicant's license is currently suspended, taken up, canceled,
10 revoked, or deposited in lieu of bail.

11 2. To all applicants for a license or renewal who are
12 between twenty-one and sixty-nine years of age, and who submit a
13 satisfactory application and meet the requirements set forth in
14 sections 302.010 to 302.605, the director shall issue or renew a
15 license upon the payment of a fee of fifteen dollars; except
16 that, no license shall be issued if an applicant's license is
17 currently suspended, taken up, canceled, revoked, or deposited in
18 lieu of bail.

19 3. All licenses issued pursuant to subsections 1 and 2 of
20 this section shall expire on the applicant's birthday in the
21 sixth year after issuance and must be renewed on or before the
22 date of expiration, which date shall be shown on the license.
23 The director shall have the authority to stagger the expiration
24 date of driver's licenses and nondriver's licenses being issued
25 or renewed over a six-year period.

1 4. To all applicants for a license or renewal to transport
2 persons or property classified in section 302.015 who are between
3 eighteen and twenty-one years of age or greater than sixty-nine
4 years of age, and who submit a satisfactory application and meet
5 the requirements set forth in sections 302.010 to 302.605, the
6 director shall issue or renew a license upon the payment of a fee
7 of fifteen dollars.

8 5. To all other applicants for a license or renewal less
9 than twenty-one years of age or greater than sixty-nine years of
10 age who submit a satisfactory application and meet the
11 requirements set forth in sections 302.010 to 302.605, the
12 director shall issue or renew a license upon the payment of a fee
13 of seven dollars and fifty cents. All licenses issued pursuant
14 to this subsection and subsection 4 of this section shall expire
15 on the applicant's birthday in the third year after issuance.

16 6. [The director of revenue may adopt any rules and
17 regulations necessary to carry out the provisions of this
18 section. No rule or portion of a rule promulgated pursuant to
19 the authority of this section shall become effective unless it
20 has been promulgated pursuant to the provisions of chapter 536,
21 RSMo.] The director shall not issue a driver's license for a
22 period that exceeds an applicant's lawful presence in the United
23 States. The fee for a license issued for a period of less than
24 three years pursuant to subsection 4 of this section shall be
25 fifteen dollars. The fee for a license issued for less than

1 three years pursuant to subsection 5 of this section shall be
2 seven dollars and fifty cents. The fee for a license issued for
3 less than six years pursuant to subsection 1 of this section
4 shall be thirty dollars. The fee for a license issued for less
5 than six years pursuant to subsection 2 of this section shall be
6 fifteen dollars. The director may establish procedures to verify
7 the lawful presence of the applicant and establish the duration
8 of any driver's license issued under this section.

9 302.181. 1. The license issued pursuant to the provisions
10 of sections 302.010 to 302.340 shall be in such form as the
11 director shall prescribe, but the license shall be a card made of
12 plastic or other comparable material. All licenses shall be
13 manufactured of materials and processes that will prohibit, as
14 nearly as possible, the ability to reproduce, alter, counterfeit,
15 forge or duplicate any license without ready detection. All
16 licenses shall bear the licensee's Social Security number, if the
17 licensee has one, and if not, a notarized affidavit must be
18 signed by the licensee stating that the licensee does not possess
19 a Social Security number, or, if applicable, a certified
20 statement must be submitted as provided in subsection 4 of this
21 section. The license shall also bear the expiration date of the
22 license, the classification of the license, the name, date of
23 birth, residence address including the county of residence or a
24 code number corresponding to such county established by the
25 department, and brief description and colored photograph or

1 digitized image of the licensee, and a facsimile of the signature
2 of the licensee. The director shall provide by administrative
3 rule the procedure and format for a licensee to indicate on the
4 back of the license together with the designation for an
5 anatomical gift as provided in section 194.240, RSMo, the name
6 and address of the person designated pursuant to sections 404.800
7 to 404.865, RSMo, as the licensee's attorney in fact for the
8 purposes of a durable power of attorney for health care
9 decisions. No license shall be valid until it has been so signed
10 by the licensee. If any portion of the license is prepared by a
11 private firm, any contract with such firm shall be made in
12 accordance with the competitive purchasing procedures as
13 established by the state director of the division of purchasing.
14 For all licenses issued or renewed after March 1, 1992, the
15 applicant's Social Security number shall serve as the applicant's
16 license number. Where the licensee has no Social Security
17 number, or where the licensee is issued a license without a
18 Social Security number in accordance with subsection 4 of this
19 section, the director shall issue a license number for the
20 licensee and such number shall also include an indicator showing
21 that the number is not a Social Security number.

22 2. All film involved in the production of photographs for
23 licenses shall become the property of the department of revenue.

24 3. The license issued shall be carried at all times by the
25 holder thereof while driving a motor vehicle, and shall be

1 displayed upon demand of any officer of the highway patrol, or
2 any police officer or peace officer, or any other duly authorized
3 person, for inspection when demand is made therefor. Failure of
4 any operator of a motor vehicle to exhibit his or her license to
5 any duly authorized officer shall be presumptive evidence that
6 such person is not a duly licensed operator.

7 4. The director of revenue shall issue a commercial or
8 noncommercial driver's license without a Social Security number
9 to an applicant therefor, who is otherwise qualified to be
10 licensed, upon presentation to the director of a certified
11 statement that the applicant objects to the display of the Social
12 Security number on the license. The director shall assign an
13 identification number, that is not based on a Social Security
14 number, to the applicant which shall be displayed on the license
15 in lieu of the Social Security number.

16 5. The director of revenue shall not issue a license
17 without [the] a facial photograph [to an applicant therefor, who
18 is otherwise qualified to be licensed, upon presentation to the
19 director of a statement on forms prescribed and made available by
20 the department of revenue which states that the applicant is a
21 member of a specified religious denomination which prohibits
22 photographs of members as being contrary to its religious tenets.
23 The license shall state thereon that no photograph is required
24 because of the religious affiliation of the licensee. The
25 director of revenue shall establish guidelines and furnish to

1 each circuit court such forms as the director deems necessary to
2 comply with this subsection. The circuit court shall not charge
3 or receive any fee or court cost for the performance of any duty
4 or act pursuant to this subsection] or digital image of the
5 license applicant, except as provided pursuant to subsection 8 of
6 this section. A photograph or digital image of the applicant's
7 full facial features shall be taken in a manner prescribed by the
8 director. No photograph or digital image will be taken wearing
9 anything which cloaks the facial features of the individual.

10 6. The department of revenue may issue a temporary license
11 without the photograph or with the last photograph or digital
12 image in the department's records to [out-of-state applicants
13 and] members of the armed forces, except that where such
14 temporary license is issued it shall be valid only until the
15 applicant shall have had time to appear and have his or her
16 picture taken and a license with his or her photograph issued.

17 7. The department of revenue shall issue upon request a
18 nondriver's license card containing essentially the same
19 information and photograph or digital image, except as provided
20 pursuant to subsection 8 of this section, as the driver's license
21 upon payment of six dollars [if the applicant is under the age of
22 sixty-five. An applicant who is sixty-five years of age or older
23 may purchase a nondriver's license card without a photograph for
24 one dollar or a nondriver's license card with a photograph for
25 six dollars]. All nondriver's licenses shall expire on the

1 applicant's birthday in the sixth year after issuance. A person
2 who has passed his or her seventieth birthday shall upon
3 application be issued a nonexpiring nondriver's license card.
4 The nondriver's license card shall be used for identification
5 purposes only and shall not be valid as a license.

6 8. The director shall not issue a driver's license or
7 nondriver's license for a period that exceeds an applicant's
8 lawful presence in the United States. The fee for a nondriver's
9 license issued for a period of less than six years shall be six
10 dollars. The director may, by rule or regulation, establish
11 procedures to verify the lawful presence of the applicant and
12 establish the duration of any driver's license or nondriver's
13 license issued under this section.

14 9. If otherwise eligible, an applicant may receive a
15 driver's license or nondriver's license without a photograph or
16 digital image of the applicant's full facial features except that
17 such applicant's photograph or digital image shall be taken and
18 maintained by the director and not printed on such license. In
19 order to qualify for a license without a photograph or digital
20 image pursuant to this section the applicant must:

21 (1) Present a form provided by the department of revenue
22 requesting the applicant's photograph be omitted from the license
23 or nondriver's license due to religious affiliations. The form
24 shall be signed by the applicant and another member of the
25 religious tenant verifying the photograph or digital image

1 exemption on the license or nondriver's license is required as
2 part of their religious affiliation. The required signatures on
3 the prescribed form shall be properly notarized;

4 (2) Provide satisfactory proof to the director that the
5 applicant has been a United States citizen for at least five
6 years and a resident of this state for at least one year; except
7 that an applicant moving to this state possessing a valid
8 driver's license from another state without a photograph shall be
9 exempt from the one-year state residency requirement. The
10 director may establish rules necessary to determine satisfactory
11 proof of citizenship and residency pursuant to this section;

12 (3) Applications for a driver's license or nondriver's
13 license without a photograph or digital image must be made in
14 person at a license office determined by the director. The
15 director is authorized to limit the number of offices that may
16 issue a driver's or nondriver's license without a photograph or
17 digital image pursuant to this section.

18 [8.] 10. No rule or portion of a rule promulgated pursuant
19 to the authority of this chapter shall become effective unless it
20 is promulgated pursuant to the provisions of chapter 536, RSMo.

21 302.720. 1. Except when operating under an instruction
22 permit as described in this section, no person may drive a
23 commercial motor vehicle unless the person has been issued a
24 commercial driver's license with applicable endorsements valid
25 for the type of vehicle being operated as specified in sections

1 302.700 to 302.780. A commercial driver's instruction permit
2 shall allow the holder of a valid license to operate a commercial
3 motor vehicle when accompanied by the holder of a commercial
4 driver's license valid for the vehicle being operated and who
5 occupies a seat beside the individual, or reasonably near the
6 individual in the case of buses, for the purpose of giving
7 instruction in driving the commercial motor vehicle. A
8 commercial driver's instruction permit shall be valid for the
9 vehicle being operated for a period of not more than six months,
10 and shall not be issued until the permit holder has met all other
11 requirements of sections 302.700 to 302.780, except for the
12 driving test. A permit holder, unless otherwise disqualified,
13 may be granted one six-month renewal within a one-year period.
14 The fee for such permit or renewal shall be five dollars. In the
15 alternative, a commercial driver's instruction permit shall be
16 issued for a thirty-day period to allow the holder of a valid
17 driver's license to operate a commercial motor vehicle if the
18 applicant has completed all other requirements except the driving
19 test. The permit may be renewed for one additional thirty-day
20 period and the fee for the permit and for renewal shall be five
21 dollars.

22 2. No person may be issued a commercial driver's license
23 until he has passed written and driving tests for the operation
24 of a commercial motor vehicle which complies with the minimum
25 federal standards established by the secretary and has satisfied

1 all other requirements of the Commercial Motor Vehicle Safety Act
2 of 1986 (Title XII of Pub. Law 99-570), as well as any other
3 requirements imposed by state law. Applicants for a hazardous
4 materials endorsement must also meet the requirements of the U.S.
5 Patriot Act of 2001 (Title X of Public Law 107-56) as specified
6 and required by regulations promulgated by the secretary.
7 Nothing contained in this subsection shall be construed as
8 prohibiting the director from establishing alternate testing
9 formats for those who are functionally illiterate; provided,
10 however, that any such alternate test must comply with the
11 minimum requirements of the Commercial Motor Vehicle Safety Act
12 of 1986 (Title XII of Pub. Law 99-570) as established by the
13 secretary.

14 (1) The written and driving tests shall be held at such
15 times and in such places as the superintendent may designate. A
16 twenty-five dollar examination fee shall be paid by the applicant
17 upon completion of any written or driving test. The director
18 shall delegate the power to conduct the examinations required
19 under sections 302.700 to 302.780 to any member of the highway
20 patrol or any person employed by the highway patrol qualified to
21 give driving examinations.

22 (2) The director shall adopt and promulgate rules and
23 regulations governing the certification of third-party testers by
24 the department of revenue. Such rules and regulations shall
25 substantially comply with the requirements of 49 CFR Part 383,

1 Section 383.75. A certification to conduct third-party testing
2 shall be valid for one year, and the department shall charge a
3 fee of one hundred dollars to issue or renew the certification of
4 any third-party tester. Any third-party tester who violates any
5 of the rules and regulations adopted and promulgated pursuant to
6 this section shall be subject to having his certification revoked
7 by the department. The department shall provide written notice
8 and an opportunity for the third-party tester to be heard in
9 substantially the same manner as provided in chapter 536, RSMo.
10 If any applicant submits evidence that he has successfully
11 completed a test administered by a third-party tester, the actual
12 driving test for a commercial driver's license may then be
13 waived.

14 (3) Every applicant for renewal of a commercial driver's
15 license shall provide such certifications and information as
16 required by the secretary and if such person transports a
17 hazardous material must also meet the requirements of the U.S.
18 Patriot Act of 2001 (Title X of Public Law 107-56) as specified
19 and required by regulations promulgated by the secretary, such
20 person shall be required to take the written test for such
21 endorsement. A twenty-five dollar examination fee shall be paid
22 for upon completion of such tests.

23 3. A commercial driver's license may not be issued to a
24 person while the person is disqualified from driving a commercial
25 motor vehicle, when a disqualification is pending in any state or

1 while the person's driver's license is suspended, revoked, or
2 canceled in any state; nor may a commercial driver's license be
3 issued unless the person first surrenders in a manner prescribed
4 by the director any commercial driver's license issued by another
5 state, which license shall be returned to the issuing state for
6 cancellation.

7 4. The director shall verify that an applicant for an
8 instruction permit issued pursuant to this section is lawfully
9 present in the United States prior to accepting the application.
10 The director shall not issue an instruction permit for a period
11 that exceeds an applicant's lawful presence in the United States.
12 The director may promulgate regulations regarding verification of
13 lawful presence and the duration of any permit issued.

14 302.735. 1. The application for a commercial driver's
15 license shall include, but not be limited to, the legal name,
16 mailing and residence address, if different, a physical
17 description of the person, including sex, height, weight and eye
18 color, the person's Social Security number, date of birth and any
19 other information deemed appropriate by the director.

20 2. The application for a commercial driver's license or
21 renewal shall be accompanied by the payment of a fee of forty
22 dollars. The fee for a duplicate commercial driver's license
23 shall be twenty dollars. A commercial driver's license shall
24 expire on the applicant's birthday in the sixth year after
25 issuance and must be renewed on or before the date of expiration.

1 The director shall have the authority to stagger the issuance or
2 renewal of commercial driver's license applicants over a six-year
3 period. When a person changes such person's name an application
4 for a duplicate license shall be made to the director of revenue.
5 When a person changes such person's mailing address or residence
6 the applicant shall notify the director of revenue of said
7 change, however, no application for a duplicate license is
8 required. To all applicants for a commercial license or renewal
9 who are between eighteen and twenty-one years of age and seventy
10 years of age and older, the application shall be accompanied by a
11 fee of twenty dollars. A commercial license issued pursuant to
12 an applicant less than twenty-one years of age and seventy years
13 of age and older shall expire on the applicant's birthday in the
14 third year after issuance.

15 3. Within thirty days after moving to this state, the
16 holder of a commercial driver's license shall apply for a
17 commercial driver's license in this state. The applicant shall
18 meet all other requirements of sections 302.700 to 302.780,
19 except that the director may waive the driving test for a
20 commercial driver's license as required in section 302.720 if the
21 applicant for a commercial driver's license has a valid
22 commercial driver's license from a state which has requirements
23 for issuance of such license comparable to those in this state.

24 4. Any person who falsifies any information in an
25 application or test for a commercial driver's license shall not

1 be licensed to operate a commercial motor vehicle, or the
2 person's commercial driver's license shall be canceled, for a
3 period of one year after the director discovers such
4 falsification.

5 5. The director shall not issue a commercial driver's
6 license under this section unless the director verifies that the
7 applicant is lawfully present in the United States before
8 accepting the application. The fee for a commercial driver's
9 license issued for less than three years shall be twenty dollars;
10 the fee for a commercial driver's license that is issued for a
11 period that exceeds three years shall be forty dollars. The
12 director may, by rule or regulation, establish procedures to
13 verify the lawful presence of the applicant and establish the
14 duration of any commercial driver's license issued under this
15 section. No rule or portion of a rule promulgated pursuant to
16 the authority of this section shall become effective unless it
17 has been promulgated pursuant to chapter 536, RSMo.

18 304.012. 1. Every person operating a motor vehicle on the
19 roads and highways of this state shall drive the vehicle in a
20 careful and prudent manner and at a rate of speed so as not to
21 endanger the property of another or the life or limb of any
22 person and shall exercise the highest degree of care.

23 2. Any person who violates the provisions of this section
24 is guilty of a class B misdemeanor, unless an accident is
25 involved then [it shall be] such person is guilty of a class A

1 misdemeanor. If the accident results in a death, the person is
2 guilty of a class D felony.

3 304.021. Any wrecker, tow truck, or rollback, requested by
4 law enforcement pursuant to this chapter, shall be considered an
5 emergency vehicle, after such vehicle arrives at the scene of a
6 vehicle accident. A vehicle containing additional equipment for
7 emergency clean-ups that arrives to assist the above vehicles
8 shall also be considered an emergency vehicle pursuant to this
9 section. The vehicles in this section shall only be considered
10 emergency vehicles after arriving and when working the scene at
11 the direction and supervision of law enforcement.

12 304.155. 1. Any law enforcement officer within the
13 officer's jurisdiction, or an officer of a government agency
14 where that agency's real property is concerned, may authorize a
15 towing company to remove to a place of safety:

16 (1) Any abandoned property on the right-of-way of:

17 (a) Any interstate highway or freeway in an urbanized area,
18 left unattended for ten hours, or within two hours if a law
19 enforcement officer determines that the abandoned property is a
20 serious hazard to other motorists;

21 (b) Any interstate highway or freeway outside of an
22 urbanized area, left unattended for forty-eight hours, or within
23 two hours if a law enforcement officer determines that the
24 abandoned property is a serious hazard to other motorists;

25 (c) Any state highway other than an interstate highway or

1 freeway in an urbanized area, left unattended for more than ten
2 hours; or

3 (d) Any state highway other than an interstate highway or
4 freeway outside of an urbanized area, left unattended for more
5 than forty-eight hours; provided that commercial motor vehicles
6 not hauling waste designated as hazardous under 49 U.S.C. 5103(a)
7 may only be removed under this subdivision to a place of safety
8 until the owner or owner's representative has had a reasonable
9 opportunity to contact a towing company of choice;

10 (2) Any unattended abandoned property illegally left
11 standing upon any highway or bridge if the abandoned property is
12 left in a position or under such circumstances as to obstruct the
13 normal movement of traffic where there is no reasonable
14 indication that the person in control of the property is
15 arranging for its immediate control or removal;

16 (3) Any abandoned property which has been abandoned under
17 section 577.080, RSMo;

18 (4) Any abandoned property which has been reported as
19 stolen or taken without consent of the owner;

20 (5) Any abandoned property for which the person operating
21 such property is arrested for an alleged offense for which the
22 officer is required to take the person into custody and where
23 such person is unable to arrange for the property's timely
24 removal;

25 (6) Any abandoned property which due to any other state law

1 or local ordinance is subject to towing because of the owner's
2 outstanding traffic or parking violations;

3 (7) Any abandoned property left unattended in violation of
4 a state law or local ordinance where signs have been posted
5 giving notice of the law or where the violation causes a safety
6 hazard; or

7 (8) Any abandoned property illegally left standing on the
8 waters of this state as defined in section 306.010, RSMo, where
9 the abandoned property is obstructing the normal movement of
10 traffic, or where the abandoned property has been unattended for
11 more than ten hours or is floating loose on the water.

12 2. The state transportation department may immediately
13 remove any abandoned, unattended, wrecked, burned or partially
14 dismantled property, spilled cargo or other personal property
15 from the roadway of any state highway if the abandoned property,
16 cargo or personal property is creating a traffic hazard because
17 of its position in relation to the state highway. In the event
18 the property creating a traffic hazard is a commercial motor
19 vehicle, as defined in section 302.700, RSMo, the department's
20 authority under this subsection shall be limited to authorizing a
21 towing company to remove the commercial motor vehicle to a place
22 of safety, except that the owner of the commercial motor vehicle
23 or the owner's designated representative shall have a reasonable
24 opportunity to contact a towing company of choice. The
25 provisions of this subsection shall not apply to vehicles

1 transporting any material which has been designated as hazardous
2 under Section 5103(a) of Title 49, U.S.C.

3 3. Any law enforcement agency authorizing a tow pursuant to
4 this section in which the abandoned property is moved from the
5 immediate vicinity shall complete a crime inquiry and inspection
6 report. Any state or federal government agency other than a law
7 enforcement agency authorizing a tow pursuant to this section in
8 which the abandoned property is moved away from the immediate
9 vicinity in which it was abandoned shall report the towing to the
10 state highway patrol or water patrol within two hours of the tow
11 along with a crime inquiry and inspection report as required in
12 this section. Any local government agency, other than a law
13 enforcement agency, authorizing a tow pursuant to this section
14 where property is towed away from the immediate vicinity shall
15 report the tow to the local law enforcement agency within two
16 hours along with a crime inquiry and inspection report.

17 4. Neither the law enforcement officer, government agency
18 official nor anyone having custody of abandoned property under
19 his direction shall be liable for any damage to such abandoned
20 property occasioned by a removal authorized by this section or by
21 ordinance of a county or municipality licensing and regulating
22 the sale of abandoned property by the municipality, other than
23 damages occasioned by negligence or by willful or wanton acts or
24 omissions.

25 5. The owner of abandoned property removed as provided in

1 this section or in section 304.157 shall be responsible for
2 payment of all reasonable charges for towing and storage of such
3 abandoned property as provided in section 304.158.

4 6. Upon the towing of any abandoned property pursuant to
5 this section or under authority of a law enforcement officer or
6 local government agency pursuant to section 304.157, the law
7 enforcement agency that authorized such towing or was properly
8 notified by another government agency of such towing shall
9 promptly make an inquiry with the national crime information
10 center and any statewide Missouri law enforcement computer system
11 to determine if the abandoned property has been reported as
12 stolen and shall enter the information pertaining to the towed
13 property into the statewide law enforcement computer system. If
14 the abandoned property is not claimed within ten working days of
15 the towing, the law enforcement agency shall submit a crime
16 inquiry and inspection report to the director of revenue. A
17 towing company in possession of abandoned property after ten
18 working days shall report such fact to the law enforcement agency
19 with which the crime inquiry and inspection report was filed.
20 The crime inquiry and inspection report shall be designed by the
21 director of revenue and shall include the following:

22 (1) The year, model, make and property identification
23 number of the property and the owner and any lienholders, if
24 known;

25 (2) A description of any damage to the property noted by

1 the officer authorizing the tow;

2 (3) The license plate or registration number and the state
3 of issuance, if available;

4 (4) The storage location of the towed property;

5 (5) The name, telephone number and address of the towing
6 company;

7 (6) The date, place and reason for the towing of the
8 abandoned property;

9 (7) The date of the inquiry of the national crime
10 information center, any statewide Missouri law enforcement
11 computer system and any other similar system which has titling
12 and registration information to determine if the abandoned
13 property had been stolen. This information shall be entered only
14 by the law enforcement agency making the inquiry;

15 (8) The signature and printed name of the officer
16 authorizing the tow and the towing operator; and

17 (9) Any additional information the director of revenue
18 deems appropriate.

19 7. One copy of the crime inquiry and inspection report
20 shall remain with the agency which authorized the tow. One copy
21 shall be provided to and retained by the storage facility and one
22 copy shall be retained by the towing facility in an accessible
23 format in the business records for a period of three years from
24 the date of the tow or removal.

25 8. The owner of such abandoned property, or the holder of a

1 valid security interest of record, may reclaim it from the towing
2 company upon proof of ownership or valid security interest of
3 record and payment of all reasonable charges for the towing and
4 storage of the abandoned property.

5 9. Any person who removes abandoned property at the
6 direction of a law enforcement officer or an officer of a
7 government agency where that agency's real property is concerned
8 as provided in this section shall have a lien for all reasonable
9 charges for the towing and storage of the abandoned property
10 until possession of the abandoned property is voluntarily
11 relinquished to the owner of the abandoned property or to the
12 holder of a valid security interest of record. Any personal
13 property within the abandoned property need not be released to
14 the owner thereof until the reasonable or agreed charges for such
15 recovery, transportation or safekeeping have been paid or
16 satisfactory arrangements for payment have been made, except that
17 any medication prescribed by a physician shall be released to the
18 owner thereof upon request. The company holding or storing the
19 abandoned property shall either release the personal property to
20 the owner of the abandoned property or allow the owner to inspect
21 the property and provide an itemized receipt for the contents.
22 The company holding or storing the property shall be strictly
23 liable for the condition and safe return of the personal
24 property. Such lien shall be enforced in the manner provided
25 under section 304.156.

1 10. Towing companies shall keep a record for three years on
2 any abandoned property towed and not reclaimed by the owner of
3 the abandoned property. Such record shall contain information
4 regarding the authorization to tow, copies of all correspondence
5 with the department of revenue concerning the abandoned property,
6 and information concerning the final disposition of the
7 possession of the abandoned property.

8 11. If a lienholder repossesses any motor vehicle, trailer,
9 all-terrain vehicle, outboard motor or vessel without the
10 knowledge or cooperation of the owner, then the reposessor shall
11 notify the local law enforcement agency where the repossession
12 occurred within two hours of the repossession and shall further
13 provide the local law enforcement agency with any additional
14 information the agency deems appropriate. The local law
15 enforcement agency shall make an inquiry with the national crime
16 information center and the Missouri statewide law enforcement
17 computer system and shall enter the repossessed vehicle into the
18 statewide law enforcement computer system.

19 12. Notwithstanding the provisions of section 301.227,
20 RSMo, any towing company who has complied with the notification
21 provisions in section 304.156, including notice that any property
22 remaining unredeemed after forty-five days may be sold as scrap
23 property may then dispose of such property as provided in this
24 subsection. Such sale shall only occur if at least forty-five
25 days has passed since the date of such notification, the

1 abandoned property remains unredeemed with no satisfactory
2 arrangements made with the towing company for continued storage,
3 and the owner or holder of a security agreement has not requested
4 a hearing as provided in section 304.156. The towing company may
5 dispose of such abandoned property by selling the property on a
6 bill of sale as prescribed by the director of revenue to a scrap
7 metal operator for destruction purposes only. The towing company
8 shall forward a copy of the bill of sale provided by the scrap
9 metal operator to the director of revenue within two weeks of the
10 date of such sale. The towing company shall keep a record of
11 each such vehicle sold for destruction for three years that shall
12 be available for inspection by law enforcement and authorized
13 department of revenue officials. The record shall contain the
14 year, make, identification number of the property, date of sale,
15 and name of the purchasing scrap metal operator and copies of all
16 notifications issued by the towing company as required in this
17 chapter. Scrap metal operators shall keep a record of the
18 purchase of such property as provided in section 301.227, RSMo.

19 306.458. 1. A certificate of title for an outboard motor
20 or vessel issued in the names of two or more persons that does
21 not show on the face of the certificate that the persons hold
22 their interest in the outboard motor or vessel as tenants in
23 common, on death of one of the named persons, may be transferred
24 to the surviving owner or owners. On proof of death of one of
25 the persons in whose names the certificate was issued, surrender

1 of the outstanding certificate of title, and on application and
2 payment of the fee for an original certificate of title, the
3 director of revenue shall issue a new certificate for the
4 outboard motor or vessel to the surviving owner or owners; and
5 the current valid certificate of number shall be so transferred.
6 The directive to the director of revenue shall also permit the
7 beneficiary or beneficiaries to make one reassignment of the
8 original certificate of ownership upon the death of the owner to
9 another owner without transferring the certificate to the
10 beneficiary or beneficiaries' name.

11 2. A certificate of title for an outboard motor or vessel,
12 issued in the names of two or more persons that shows on its face
13 that the persons hold their interest in the outboard motor or
14 vessel as tenants in common, on death of one of the named
15 persons, may be transferred by the director of revenue on
16 application by the surviving owners and the personal
17 representative or successors of the deceased owner. Upon being
18 presented proof of death of one of the persons in whose names the
19 certificate of title was issued; surrender of the outstanding
20 certificate of title, and on application and payment of the fee
21 for an original certificate of title, the director of revenue
22 shall issue a new certificate of title for the outboard motor or
23 vessel to the surviving owners and personal representative or
24 successors of the deceased owner; and the current valid
25 certificate of number shall be transferred.

1 306.461. 1. A sole owner of an outboard motor or vessel,
2 and multiple owners of an outboard motor or vessel who hold their
3 interest as joint tenants with right of survivorship or as
4 tenants by the entirety, on application and payment of the fee
5 required for an original certificate of title, may request the
6 director of revenue to issue a certificate of title for the
7 outboard motor or vessel in beneficiary form which includes a
8 directive to the director of revenue to transfer the certificate
9 of title on death of the sole owner or on death of all multiple
10 owners to one beneficiary or to two or more beneficiaries as
11 joint tenants with right of survivorship or as tenants by the
12 entirety named on the face of the certificate.

13 2. A certificate of title in beneficiary form may not be
14 issued to persons who hold their interest in an outboard motor or
15 vessel as tenants in common.

16 3. A certificate of title issued in beneficiary form shall
17 include after the name of the owner, or after the names of
18 multiple owners, the words "transfer on death to" or the
19 abbreviation "TOD" followed by the name of the beneficiary or
20 beneficiaries.

21 4. (1) During the lifetime of a sole owner and during the
22 lifetime of all multiple owners, the signature or consent of the
23 beneficiary or beneficiaries shall not be required for any
24 transaction relating to the outboard motor or vessel for which a
25 certificate of title in beneficiary form has been issued.

1 (2) A certificate of title in beneficiary form may be
2 revoked or the beneficiary or beneficiaries changed at any time
3 before the death of the sole owner or surviving multiple owner
4 only by the following methods:

5 (a) By a sale of the outboard motor or vessel with proper
6 assignment and delivery of the certificate of title to another
7 person; or

8 (b) By surrender of the outstanding certificate of title
9 and filing an application to reissue the certificate of title
10 with no designation of a beneficiary or with the designation of a
11 different beneficiary or beneficiaries with the director of
12 revenue in proper form and accompanied by the payment of the fee
13 for an original certificate of title.

14 (3) The beneficiary's or beneficiaries' interest in the
15 outboard motor or vessel at death of the owner or surviving owner
16 shall be subject to any contract of sale, assignment of ownership
17 or security interest to which the owner or owners of the outboard
18 motor or vessel were subject during their lifetime.

19 (4) The designation of a beneficiary or beneficiaries in a
20 certificate of title issued in beneficiary form may not be
21 changed or revoked by a will, any other instrument, or a change
22 in circumstances, or otherwise be changed or revoked except as
23 provided by subdivision (2) of this subsection.

24 5. (1) On proof of death of one of the owners of two or
25 more multiple owners, or of a sole owner, surrender of the

1 outstanding certificate of title, and on application and payment
2 of the fee for an original certificate of title, the director of
3 revenue shall issue a new certificate of title for the outboard
4 motor or vessel to the surviving owner or owners or, if none, to
5 the surviving beneficiary or beneficiaries, subject to any
6 outstanding security interest; and the current valid certificate
7 of number shall be so transferred. If the surviving beneficiary
8 or beneficiaries makes a request of the director of revenue, the
9 director may allow the beneficiary or beneficiaries to make one
10 assignment of title.

11 (2) The director of revenue may rely on a death certificate
12 or record or report that constitutes prima facie proof or
13 evidence of death under subdivisions (1) and (2) of section
14 472.290, RSMo.

15 (3) The transfer of an outboard motor or vessel at death
16 pursuant to this section is effective by reason of sections
17 301.675 to 301.682, RSMo, and sections 306.455 to 306.465, and is
18 not to be considered testamentary, or to be subject to the
19 requirements of section 473.087, RSMo, or section 474.320, RSMo.

20 307.100. 1. Any lighted lamp or illuminating device upon a
21 motor vehicle other than headlamps, spotlamps, front direction
22 signals or auxiliary lamps which projects a beam of light of an
23 intensity greater than three hundred candlepower shall be so
24 directed that no part of the beam will strike the level of the
25 roadway on which the vehicle stands at a distance of more than

1 seventy-five feet from the vehicle. Alternately flashing warning
2 signals may be used on school buses when used for school purposes
3 and on motor vehicles when used to transport United States mail
4 from post offices to boxes of addressees thereof and on emergency
5 vehicles as defined in section 304.022, RSMo, [and] on buses
6 owned or operated by churches, mosques, synagogues, temples or
7 other houses of worship, and on commercial passenger transport
8 vehicles or railroad passenger cars that are stopped to load or
9 unload passengers, but are prohibited on other motor vehicles,
10 motorcycles and motor-drawn vehicles except as a means for
11 indicating a right or left turn.

12 2. Notwithstanding the provisions of section 307.120,
13 violation of this section is an infraction.

14 407.567. 1. If the manufacturer, through its authorized
15 dealer or its agent, cannot conform the new motor vehicle to any
16 applicable express warranty by repairing or correcting any
17 default or condition which impairs the use, market value, or
18 safety of the new motor vehicle to the consumer after a
19 reasonable number of attempts, the manufacturer shall, at its
20 option, either replace the new motor vehicle with a comparable
21 new vehicle acceptable to the consumer, or take title of the
22 vehicle from the consumer and refund to the consumer the full
23 purchase price, including all reasonably incurred collateral
24 charges, less a reasonable allowance for the consumer's use of
25 the vehicle. The subtraction of a reasonable allowance for use

1 shall apply when either a replacement or refund of the new motor
2 vehicle occurs.

3 2. Refunds shall be made to the consumer and lienholder of
4 record, if any, as their interests may appear.

5 3. Upon taking the title to a vehicle under this section,
6 the manufacturer may apply to the department of revenue for a
7 reimbursement equal to any amounts refunded to a consumer for any
8 sales tax, license fees, registration fees, and title fees paid
9 by the consumer as a result of purchasing the vehicle. Upon the
10 receipt of a written request for a refund on a form prescribed by
11 the department of revenue, accompanied by satisfactory proof that
12 such sales tax and fees on the vehicle were paid when or after
13 the vehicle was purchased and that the manufacturer has refunded
14 such sales tax and fees to the consumer, lienholder, or lessor of
15 the vehicle, and accompanied by a signed statement from the
16 consumer that the consumer waives any right to obtain a refund
17 for the sales tax and fees from the department of revenue, the
18 department shall refund to the manufacturer an amount equal to
19 the amounts refunded to a consumer for such sales tax and fees
20 paid by the consumer as a result of purchasing the vehicle. If
21 the manufacturer replaces the vehicle and receives a refund of
22 the sales tax, the consumer shall pay sales tax on the purchase
23 price of the replacement vehicle plus any additional
24 consideration the consumer provides in exchange for the new
25 vehicle. If the manufacturer reduces the amount refunded to the

1 consumer by an amount allowed for a reasonable allowance for the
2 consumer's use of the vehicle, the sales tax refunded to the
3 manufacturer shall be reduced proportionately.

4 700.320. 1. The owner of any new or used manufactured
5 home, as defined in section 700.010, shall make application to
6 the director of revenue for an official certificate of title to
7 such manufactured home in the manner prescribed by law for the
8 acquisition of certificates of title to motor vehicles, and the
9 rules promulgated pursuant thereto. All fees required by section
10 301.190, RSMo, for the titling of motor vehicles and all
11 penalties provided by law for the failure to title motor vehicles
12 shall apply to persons required to make application for an
13 official certificate of title by this subsection. In case there
14 is any duplication in serial numbers assigned any manufactured
15 homes, or no serial number has been assigned by the manufacturer,
16 the director shall assign the serial numbers for the manufactured
17 homes involved.

18 2. At the time the owner of any new manufactured home, as
19 defined in section 700.010, which was acquired in a transaction
20 subject to sales tax under the Missouri sales tax law makes
21 application to the director of revenue for an official
22 certificate of title for such manufactured home, he shall present
23 to the director of revenue evidence satisfactory to the director
24 of revenue showing the purchase price exclusive of any charge
25 incident to the extension of credit paid by or charged to the

1 applicant in the acquisition of the manufactured home, or that no
2 sales tax was incurred in its acquisition, and if sales tax was
3 incurred in its acquisition, the applicant shall pay or cause to
4 be paid to the director of revenue the sales tax provided by the
5 Missouri sales tax law in addition to the registration fees now
6 or hereafter required according to law, and the director of
7 revenue shall not issue a certificate of title for any new
8 manufactured home subject to sales tax as provided in the
9 Missouri sales tax law until the tax levied for the sale of the
10 same under sections 144.010 to 144.510, RSMo, has been paid as
11 provided in this section. As used in this subsection, the term
12 "purchase price" shall mean the total amount of the contract
13 price agreed upon between the seller and the applicant in the
14 acquisition of the new manufactured home regardless of the medium
15 of payment therefor. In the event that the purchase price is
16 unknown or undisclosed, or that the evidence thereof is not
17 satisfactory to the director of revenue, the same shall be fixed
18 by appraisement by the director. The director of the department
19 of revenue shall endorse upon the official certificate of title
20 issued by him upon such application an entry showing that such
21 sales tax has been paid or that the manufactured home represented
22 by the certificate is exempt from sales tax and state the ground
23 for such exemption.

24 3. A certificate of title for a manufactured home issued in
25 the names of two or more persons that does not show on the face

1 of the certificate that the persons hold their interest in the
2 manufactured home as tenants in common, on death of one of the
3 named persons, may be transferred to the surviving owner or
4 owners. On proof of death of one of the persons in whose names
5 the certificate was issued, surrender of the outstanding
6 certificate of title, and on application and payment of the fee
7 for an original certificate of title, the director of revenue
8 shall issue a new certificate of title for the manufactured home
9 to the surviving owner or owners; and the current valid
10 certificate of number shall be so transferred.

11 4. A certificate of title for a manufactured home issued in
12 the names of two or more persons that shows on its face that the
13 persons hold their interest in the manufactured home as tenants
14 in common, on death of one of the named persons, may be
15 transferred by the director of revenue on application by the
16 surviving owners and the personal representative or successors of
17 the deceased owner. Upon being presented proof of death of one
18 of the persons in whose names the certificate of title was
19 issued, surrender of the outstanding certificate of title, and on
20 application and payment of the fee for an original certificate of
21 title, the director of revenue shall issue a new certificate of
22 title for the manufactured home to the surviving owners and
23 personal representative or successors of the deceased owner; and
24 the current valid certificate of number shall be so transferred.

25 Section 1. Sections 302.130, 302.171, 302.173, 302.177,

1 302.720, 302.735, and subsection 8 of section 302.181 shall
2 become effective January 1, 2005.

3 Section 2. 1. A sole owner of a manufactured home, and
4 multiple owners of a manufactured home who hold their interest as
5 joint tenants with right of survivorship or as tenants by the
6 entirety, on application and payment of the fee required for an
7 original certificate of ownership, may request the director of
8 revenue to issue a certificate of ownership for the manufactured
9 home in beneficiary form which includes a directive to the
10 director of revenue to transfer the certificate of ownership on
11 death of the sole owner or on death of all multiple owners to one
12 beneficiary or to two or more beneficiaries as joint tenants with
13 right of survivorship or as tenants by the entirety named on the
14 face of the certificate. The directive to the director of
15 revenue shall also permit the beneficiary or beneficiaries to
16 make one reassignment of the original certificate of ownership
17 upon the death of the owner to another owner without transferring
18 the certificate to the beneficiary or beneficiaries' name.

19 2. A certificate of ownership in beneficiary form may not
20 be issued to persons who hold their interest in a manufactured
21 home as tenants in common.

22 3. A certificate of ownership issued in beneficiary form
23 shall include after the name of the owner, or after the names of
24 multiple owners, the words "transfer on death to" or the
25 abbreviation "TOD" followed by the name of the beneficiary or

1 beneficiaries.

2 4. (1) During the lifetime of a sole owner and during the
3 lifetime of all multiple owners, the signature or consent of the
4 beneficiary or beneficiaries shall not be required for any
5 transaction relating to the manufactured home for which a
6 certificate of ownership in beneficiary form has been issued.

7 (2) A certificate of ownership in beneficiary form may be
8 revoked or the beneficiary or beneficiaries changed at any time
9 before the death of a sole owner or surviving multiple owner only
10 by the following methods:

11 (a) By a sale of the manufactured home with proper
12 assignment and delivery of the certificate of ownership to
13 another person; or

14 (b) By filing an application to reissue the certificate of
15 ownership with no designation of a beneficiary or with the
16 designation of a different beneficiary or beneficiaries with the
17 director of revenue in proper form and accompanied by the payment
18 of the fee for an original certificate of ownership.

19 (3) The beneficiary's or beneficiaries' interest in the
20 manufactured homes at death of the owner or surviving owner shall
21 be subject to any contract of sale, assignment of ownership or
22 security interest to which the owner or owners of the
23 manufactured home were subject during their lifetime.

24 (4) The designation of a beneficiary or beneficiaries in a
25 certificate of ownership issued in beneficiary form may not be

1 changed or revoked by a will, any other instrument, or a change
2 in circumstances, or otherwise be changed or revoked except as
3 provided by subdivision (2) of this subsection.

4 5. (1) On proof of death of one of the owners of two or
5 more multiple owners, or of a sole owner, surrender of the
6 outstanding certificate of ownership, and on application and
7 payment of the fee for an original certificate of ownership, the
8 director of revenue shall issue a new certificate of ownership
9 for the manufactured home to the surviving owner or owners or, if
10 none, to the surviving beneficiary or beneficiaries, subject to
11 any outstanding security interest; and the current valid
12 certificate of number shall be so transferred. If the surviving
13 beneficiary or beneficiaries makes a request of the director of
14 revenue, the director may allow the beneficiary or beneficiaries
15 to make one assignment of title.

16 (2) The director of revenue may rely on a death certificate
17 or record or report that constitutes prima facie proof or
18 evidence of death under subdivisions (1) and (2) of section
19 472.290, RSMo.

20 (3) The transfer of a manufactured home at death pursuant
21 to this section is not to be considered as testamentary, or to be
22 subject to the requirements of section 473.087, RSMo, or section
23 474.320, RSMo.